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March 31, 2022

Honorable Lewis J. Liman
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007

Re: *Hernandez et al. v. New York State Board of Elections et al.*, Docket No. 20-cv-4003

Dear Judge Liman:

Parties jointly submit this letter to update your Honor that the parties have reached a settlement agreement to fully resolve this case. Parties finalized the proposed Settlement Agreement on March 29, 2022, and jointly submit the proposed fully-executed settlement agreement, which the parties respectfully request the Court to so order.

The parties also respectfully include a proposed order of dismissal that we request to be so ordered, which, pursuant to paragraph 34 of the Settlement Agreement, provides that the Court accepts jurisdiction over any disputes that may arise during the term of the agreement. *See Cross Media Mktg. Corp. v. Budget Mktg., Inc.*, 319 F. Supp. 2d 482, 483 (S.D.N.Y. 2004) (This Court can retain jurisdiction where it is reasonable to do so “after [making] a reasoned determination as to whether retention is appropriate”); *Kokkonen v. Guardian Life Insurance Co. of America*, 511 U.S. 375, 114 S.Ct. 1673, 128 L.Ed.2d 391 (1994). Continuing jurisdiction is appropriate for purposes of ensuring implementation of the agreed-upon relief, and this Court will continue to have a basis for federal jurisdiction through any enforcement action. *Hendrickson v. United States*, 791 F.3d 354, 358 (2d Cir. 2015) (A claim for settlement enforcement on the basis of a breach of contract claim requires its own basis for jurisdiction.). Accordingly, we respectfully request this Court expressly retain jurisdiction in the proposed Order to Dismiss.

Thank you for your attention to this matter. Parties are available for further briefing if this Court so requires.

Respectfully,

Christina Asbee
Co-counsel for Plaintiffs



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